



# Florida Department of Environmental Protection

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3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

### PERMITTEE/AUTHORIZED ENTITY:

City of Fernandina Beach  
204 Ash Street  
Fernandina Beach, Florida  
32034

### AGENT:

Erik J. Olsen, Olsen Associates, Inc.  
4438 Herschel Street  
Jacksonville, Florida  
32210

### PERMIT INFORMATION:

Permit/Authorization Number: 0264288-001-JC

Issuance Date: September 6, 2007

Expiration Date of Construction Phase:  
September 6, 2012

Project Name: Nassau County Beach Restoration

County: Nassau

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This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department of Environmental Protection (Department) and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

### ACTIVITY DESCRIPTION:

The project is to construct a beach restoration project along 4.3 miles of shoreline, between monuments R-11 and R-34, utilizing approximately 3 million cubic yards of beach quality material from an offshore borrow area. Only the first 0.7 miles of the project are federally authorized for a nourishment event.

### ACTIVITY LOCATION:

The restoration site is located along the Atlantic coast of Fernandina Beach, Nassau County, Sections 8, 9, 12 and 13, Township 3 North, Range 29 East, Atlantic Ocean, Class III Waters, partially within the Ft. Clinch Aquatic Preserve, Outstanding Florida Waters. The borrow area is located 12,500 feet northeast of the beach restoration site, completely within Ft. Clinch Aquatic Preserve.

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This permit constitutes a finding of consistency with Florida's Coastal Management Program, as required by Section 307 of the Coastal Zone Management Act. This permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258, F.S., Chapter 18-20, Chapter 18-21 and Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the beach fill placement and use of the offshore borrow area for 5 years or less qualifies for a letter of consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

Authorization from the Department does not relieve you from the responsibility of obtaining other permits (federal, state, or local) which may be required for the project. Copies of your application and of this authorization have been sent to the USACE for review. The USACE will issue their authorization directly to you, or contact you if additional information is needed. If you have not heard from the USACE within 30 days from the date that your application was received by the Department, contact the nearest USACE regulatory office for status and further information. Failure to obtain USACE authorization prior to construction could subject you to federal enforcement action by that agency.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the General Conditions and Specific Conditions, which are a binding part of this permit and authorization.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities.

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**GENERAL CONDITIONS:**

1. All activities authorized by this permit shall be implemented as set forth in the plans and specification approved as a part of this permit, and all conditions and requirements of this permit. The permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required pursuant to section 62B-49.008, Florida Administrative Code.
2. If, for any reason, the permittee does not comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits which may be required by federal, state, local, special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of sovereignty land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State. The permittee is responsible for obtaining any necessary authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to commencing activity on sovereign lands or other state-owned lands.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
6. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.
7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted activity. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

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8. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to and copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.

10. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the State Historic Preservation Officer and the Bureau of Beaches and Coastal Systems.

11. Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the permittee shall submit to the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specification, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on two copies of as-built drawings submitted to the Department.

Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

12. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

13. Activities shall be constructed to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

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14. Structures or activities shall not create a navigational hazard.

**SPECIFIC CONDITIONS:**

1. If historical or archaeological artifacts such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time within the project site, the permittee shall immediately stop all activities that disturb the soil and notify the Department's District Office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.
2. All reports or notices relating to this permit that you are required to send to the DEP, Bureau of Beaches and Coastal Systems, shall be directed to the JCP Compliance Officer, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 (e-mail address: [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us)).
3. At least 60 days prior to the commencement of construction, the permittee shall submit the following to the Department:
  - a. A detailed Physical Monitoring Plan, subject to review and approval by the Department. Refer to the 'Physical Monitoring Required' section below for guidance.
  - b. Final advertised Plans and Specifications.
  - c. A copy of the final order of variance (Variance Number 0264288-002-EV).
4. At least 7 days prior to commencement of the construction activities authorized by this permit, the permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the permittee's contractors, the engineer of record and Department staff representatives. The permittee shall provide written notification, at least 14 days in advance of the meeting, to the following offices advising of the date, time, location, and teleconference number of the pre-construction conference.

DEP Bureau of Beaches & Coastal Systems  
JCP Compliance Officer  
Mail Station 300  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000  
phone: (850) 414-7716  
fax: (850) 414-7725  
e-mail: [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us)

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DEP Northeast District Office  
Submerged Lands & Environmental Resources  
7825 Baymeadows Way, Suite B200  
Jacksonville, FL 32256  
phone: (904) 807-3300

Imperiled Species Management Section  
Florida Fish & Wildlife Conservation Commission  
620 South Meridian Street  
Tallahassee, Florida 32399-1600  
phone: (850) 922-4330  
fax: (850) 921-4369

Ft. Clinch Aquatic Preserve  
13802 Pumpkin Hill Road  
Jacksonville, FL 32226  
Phone: (904) 696-5944

5. The Department approved the sediment quality assurance/quality control (QA/QC) plan on January 30, 2007, which per Rule 62B-41.007(2)(j), F.A.C., states that beach compatible fill material must "maintain the general character and functionality of the material occurring on the beach" and "shall be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient)". This approved QA/QC plan is valid for a one time beach restoration event, and if a subsequent beach nourishment event is proposed (under a separate permit), the QA/QC plan shall be updated (as needed) and subsequently reviewed and approved by the Department prior to construction.

6. A shore-parallel sand dike shall be constructed and maintained wherever the pipeline from the dredge discharges onto the beach. The dike shall be long enough and far enough landward to maximize the settling time for the return water and minimize the level of turbidity discharging into the Atlantic Ocean.

**Marine Turtle Protection Measures:**

7. Construction-related activities are authorized to occur on the nesting beach (seaward of existing coastal armoring structures or the dune crest) under the following conditions:
  - a. A daily marine turtle nest survey of the nesting beach in the vicinity of the project (including areas of beach access) shall be conducted if any portion of the beach nourishment project occurs during the period from April 15 through November 30. Nesting surveys must be initiated 65 days prior to nourishment or by April 15, whichever is later and continue until September 1. Hatching and emerging success monitoring shall continue through October 31.
  - b. No construction activity may commence until completion of the marine turtle survey each day. While nourishment activities may proceed over a 24-hour period, all toe dike construction must be completed by 9:00 PM each night and that resumption of dike construction can only proceed after the morning nest survey has cleared the beach ahead of the construction process.
  - c. It is the responsibility of the permittee to ensure that the project area and access sites are surveyed for marine turtle nesting activity. All nesting surveys, nest relocations screening or caging activities etc. shall be conducted only by persons with prior experience and training in these activities and who is duly authorized to conduct such activities through a valid permit issued by the Fish and Wildlife Conservation Commission (FWC), pursuant to Florida Administrative Code 68E-1.
  - d. Only those nests that may be affected by construction activities shall be relocated; nest relocation shall cease after fill placement is completed and prior to tilling. Nests requiring relocation shall be moved no later than 9 a.m. the morning following deposition to a nearby self-release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation.
  - e. Nest relocations in association with construction activities shall cease when construction activities no longer threaten nests. Nests deposited within areas where construction activities have ceased or will not occur for 65 days shall be marked and left in place unless other factors threaten the success of the nest. Such nests will be marked and the actual location of the clutch determined. A circle with a radius of ten (10) feet, centered at the clutch, shall be marked by stake and survey tape or string. No construction activities shall enter this circle and no adjacent construction shall be allowed which might directly or indirectly disturb the area within the staked circle.
8. From April 15 through November 30, all project lighting shall be limited to the immediate area of active construction only and shall be the minimal lighting necessary to comply

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with U.S. Coast Guard, EM 385-1-1, and/or OSHA requirements. Stationary lighting on the beach and all lighting on the dredge shall be minimized through reduction, shielding, lowering, and appropriate placement of lights to minimize illumination of the nesting beach and water (Figure 1).

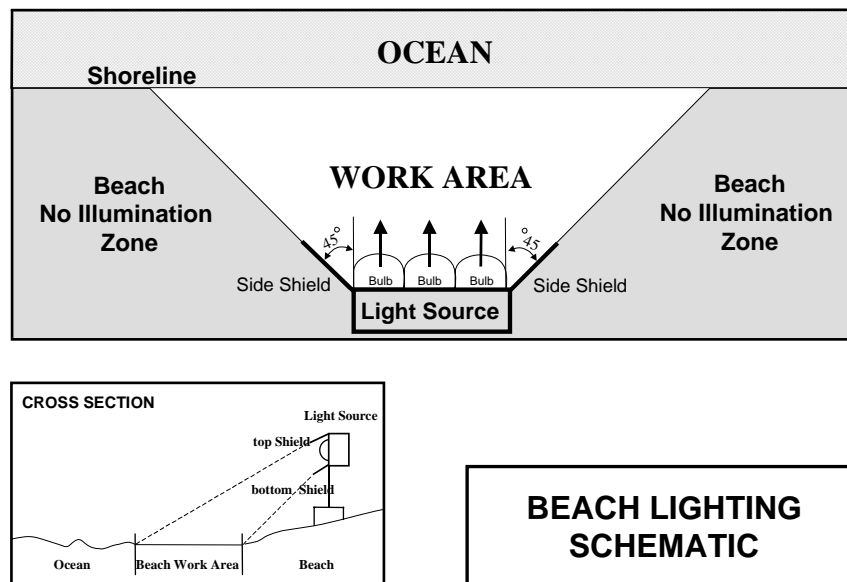


Figure 1. Lighting

9. From April 15 through November 30, staging areas for construction equipment shall be located off the beach. Nighttime storage of construction equipment not in use shall be off the beach to minimize disturbance to sea turtle nesting and hatching activities. All construction pipes that are placed on the beach shall be located as far landward as possible without compromising the integrity of the existing or reconstructed dune system.

10. Immediately after completion of the beach fill placement event and prior to April 15 for 3 subsequent years if placed sand still remains on the beach, the beach shall be tilled as described below, or the applicant may follow the procedure outlined in Specific Condition 11 to request a waiver of the tilling requirement. During tilling, at a minimum, the protocol provided below shall be followed:

- a. The area shall be tilled to a depth of 36 inches. All tilling activity must be completed prior to May 1.



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- b. An annual summary of compaction surveys and the actions taken shall be submitted to the FWC.
  - c. If the project is completed just before the nesting season, tilling shall not occur in areas where nests have been left in place or relocated.
  - d. This condition shall be evaluated annually and may be modified if necessary to address sand compaction problems identified during the previous year.
11. Tilling shall be required unless permittee conducts testing that demonstrates otherwise. The results of such tests shall be transmitted to the Department for review and concurrence that no tilling is required.
12. Visual surveys for escarpments along the beach fill area shall be made immediately after completion of the beach restoration project and prior to May 1 for the following three years if placed sand still remains on the beach. All scarps shall be leveled or the beach profile shall be reconfigured to minimize scarp formation. In addition, weekly surveys of the project area shall be conducted during the two nesting seasons following completion of fill placement as follows:
- a. The number of escarpments and their location relative to DNR-DEP reference monuments shall be recorded during each weekly survey and reported relative to the length of the beach surveyed (e.g., 50% scarps). Notations on the height of these escarpments shall be included (0 to 2 feet, 2 to 4 feet, and 4 feet or higher) as well as the maximum height of all escarpments.
  - b. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet shall be leveled to the natural beach contour by April 15. Any escarpment removal shall be reported relative to R-monument.
  - c. If weekly surveys during the marine turtle nesting season document subsequent reformation of escarpments that exceed 18 inches in height for a distance of 100 feet, the FWC shall be contacted immediately to determine the appropriate action to be taken. Upon written notification, the permittee shall level escarpments in accordance with mechanical methods prescribed by the FWC.
13. A survey shall be conducted of all lighting visible from the beach placement area, using standard techniques for such a survey, by May 15 of the year following fill placement. For each light source visible, the permittee shall provide documentation to FWC that the property owner(s) have been notified of the light and specify the action(s) recommended for correcting the light with a reasonable resolution timeline. At a minimum, all lights that are observed from the nourished berm must be brought into compliance with the City of Fernandina Beach Lighting Ordinance (Chapter 126, AV Sect 146-422). A summary report of the survey and documentation of property owner notification shall be submitted by May 1 of each year following fill

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placement. Additional lighting surveys shall be conducted monthly through September and results reported in a final report by December 1 of each year.

14. Beach driving shall not be allowed on the nourished berm unless the permittee provides (to the Department and FWC) authorization from the U.S. Fish and Wildlife Service (Service) for incidental take of sea turtles, their nests, and their hatchlings, as well as for piping plover due to such driving, or provides written documentation from the Service that no such incidental take authorization is required. If required, the incidental take authorization for beach driving must be obtained prior to any future sand placement events (if approved by the Department).

15. The applicant shall arrange a meeting between representatives of the contractor, the Department, the FWC, and the permitted person responsible for marine turtle nest monitoring at least 30 days prior to the commencement of work on this project. At least 15 days advance notice shall be provided prior to conducting this meeting. This will provide an opportunity for explanation and/or clarification of the sea turtle protection measures.

16. Reports on all nesting activity shall be provided to the FWC (with copies of the cover letter sent to the Department) for the initial nesting season and for a minimum of two additional nesting seasons. Monitoring of nesting activity in the seasons following construction shall include daily surveys and any additional measures authorized by the FWC. Reports submitted shall include daily report sheets noting all activity, nesting success rates, hatching success of all relocated nests, hatching success of a representative sampling of nests left in place (if any), dates of construction and names of all personnel involved in nest surveys and relocation activities. Data should be reported separately for the nourished areas and for an equal length of adjacent beach that is not nourished in accordance with the attached Table. Summaries of nesting activity shall be submitted in electronic format (Excel spreadsheets). All reports should be submitted by January 15 of the following year.

17. In the event a sea turtle nest is excavated during construction activities, all work shall cease in that area immediately and the permitted person responsible for egg relocation for the project should be notified so the eggs can be moved to a suitable relocation site.

18. Upon locating a dead, injured, or sick endangered or threatened sea turtle specimen, initial notification must be made to the FWC at 1-888-404-FWCC. Care should be taken in handling sick or injured specimens to ensure effective treatment and care and in handling dead specimens to preserve biological materials in the best possible state for later analysis of cause of death. In conjunction with the care of sick or injured endangered or threatened species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

**Shorebird Protection Measures:**

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19. *Shorebird Surveys.* Shorebird surveys should be conducted by trained, dedicated individuals (Shorebird Monitor) with proven shorebird identification skills and avian survey experience. The reports shall be submitted to the FWC, with copies of the cover letter sent to the Department. Credentials of the Shorebird Monitor will be submitted to DEP in the contractor's Environmental Protection Plan and be made available to the FWC Regional Biologist for review and comment. Appropriate qualifications for bird monitor/observer shall be demonstrated by the ability to identify/find bird species, nesting behavior, eggs and nests, and habitat requirements. Shorebird Monitors will use the survey protocols addressed in the following conditions.

20. *Nesting Season Surveys.* Shorebird Monitors should review and become familiar with the general information and data collection protocols outlined on the FWC's Beach-Nesting Bird Website (<http://myfwc.com/shorebirds>). An outline of what data should be collected, including downloadable field data sheets, is available on the website.

- a. The nesting season is generally 1 April – 1 September, but some nesting may occur through September.
- b. Nesting season surveys shall begin on April 1 (or February 15 in snowy plover habitat) or 10 days prior to project commencement (including surveying activities and other pre-construction presence on the beach), whichever is later, and shall be conducted daily throughout the construction period or through August, whichever is earlier. Weekly surveys of the project site shall continue through August or through fledgling or loss of identified nests or hatchlings, whichever is later.
- c. Nesting season surveys shall be conducted in all potential beach-nesting bird habitat within the project boundaries that may be impacted by construction or pre-construction activities during the nesting season. Portions of the project in which there is no potential for project-related activity during the nesting season may be excluded.
- d. Surveys for detecting new nesting activity will be completed on a daily basis prior to movement of equipment, operation of vehicles, or other activities that could potentially disrupt nesting behavior or cause harm to the birds or their eggs or young.
- e. Surveys should be conducted by traversing the length of the project area and visually inspecting, using binoculars or spotting scope, for the presence of shorebirds exhibiting breeding behavior.
- f. If an ATV or other vehicle is needed to cover large project areas, the vehicle must be operated at a speed <6 mph, shall be run at or below the high-tide line, and the Shorebird Monitor will stop at no greater than 200 meter intervals to visually

inspect for nesting activity.

21. Once breeding is confirmed by the presence of a scrape, eggs, or young, the Bird Monitor will notify the Regional Nongame Biologist of the FWC at (352) 732-1225 within 24 hours.

- a. All breeding activity will be reported to the Beach-Nesting Bird website within one week of data collection.
- b. Observations of non-breeding shorebirds should be reported to the Shorebird-Seabird Occurrence Database, as described below.

22. *Non-Breeding Shorebird Surveys.* Data collected on non-breeding shorebirds should be compatible with, and reported to, the Shorebird-Seabird Occurrence Database (<http://myfwc.com/shorebirds/>).

- a. Surveys for non-breeding shorebirds shall begin 14 days prior to construction commencement and shall be conducted once every 2 weeks for at least one year post-construction.
- b. Survey for non-breeding shorebirds will include all potential shorebird habitat within the project boundary.
- c. Data should be entered into the database within one month of collection.

23. *Buffer Zones and Travel Corridors.* Within the project area, the permittee shall establish a 200 ft-wide buffer zone around any location where shorebirds have been engaged in nesting behavior, including territory defense. Any and all construction activities, including movement of vehicles, should be prohibited in the buffer zone.

- a. The width of the buffer zone shall be increased if birds appear agitated or disturbed by construction or other activities in adjacent areas.
- b. The permittee will consult with USFWS and FWC about site-specific buffers if necessitated by nesting birds.
- c. Reasonable and traditional pedestrian access should not be blocked where nesting birds will tolerate pedestrian traffic. This is generally the case with lateral movement of beach-goers walking parallel to the beach at or below the highest tide line. Pedestrian traffic may also be tolerated when nesting was initiated within 200 feet of an established beach access pathway. The permittee shall work with FWC staff to determine if pedestrian access can be accommodated without compromising nesting success.

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- d. Designated buffer zones must be posted with clearly marked signs around the perimeter. If pedestrian pathways are approved within the 200-foot buffer zone, these should be clearly marked. These markings shall be maintained until nesting is completed or terminated. In the case of solitary nesters, nesting is not considered to be completed until all chicks have fledged.
- e. No construction activities, movement of vehicles, or stockpiling of equipment shall be allowed within the buffer area.

24. Travel corridors should be designated and marked outside the buffer areas. The permittee will consult with USFWS and FWC about the placement of corridors if necessitated by nesting birds. Heavy equipment, other vehicles, or pedestrians may transit past nesting areas in these corridors. However, other activities such as stopping or turning shall be limited to designated turning locations that will be coordinated with USFWS and FWC as necessitated by nesting birds.

- a. Where such a travel corridor must be established within the project area it should avoid critical areas for shorebirds (known nesting sites, wintering grounds, FWC-designated Critical Wildlife Areas, and USFWS-designated critical piping plover habitat) as much as possible, and be marked with signs clearly delineating the travel corridor from the shorebird buffer areas described above.
- b. To the degree possible, the permittee should maintain some activity within these corridors on a daily basis, without directly disturbing any shorebirds documented on site or interfering with sea turtle nesting, especially when those corridors are established prior to commencement of construction. Passive methods to modify nesting site suitability may be utilized after consultation with the FWC Regional Biologist for that region.

25. *Notification.* If shorebird nesting occurs within the project area, a bulletin board will be placed and maintained in the construction area with the location map of the construction site showing the bird nesting areas and a warning, clearly visible, stating that “BIRD NESTING AREAS ARE PROTECTED BY THE FLORIDA THREATENED AND ENDANGERED SPECIES ACT AND THE STATE AND FEDERAL MIGRATORY BIRD ACTS”.

26. *Beach Contours.* All tilling and scarp removal should be done outside the shorebird nesting season. It is the responsibility of the contractors to avoid tilling or scarp removal in areas where nesting birds are present.

- a. A relatively even surface, with no deep ruts or furrows, shall be created during tilling. To do this, chain-linked fencing or other material shall be dragged over those areas as necessary after tilling.

- b. The slope between the mean high water line and the mean low water line must be maintained in such a manner as to approximate natural slopes.

27. *Placement of Equipment and Sand.* If it will be necessary to extend construction pipes past a known shorebird nesting site or over-wintering area for piping plovers, then whenever possible those pipes should be placed landward of the site before birds are active in that area. No pipe or sand shall be placed seaward of a known shorebird nesting site during the shorebird nesting season.

**Manatee Protection Measures:**

28. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

29. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

30. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

31. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

32. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) for south Florida.

33. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 feet by 4 feet which reads *Caution: Manatee Area* must be posted in a location prominently visible to all personnel engaged in water-related activities. A second sign measuring at least 8 ½ inches by

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11 inches explaining the requirements for “Idle Speed/No Wake” and the shut down of in-water operations must be posted on vessels associated with the construction, and should be placed visible to the vessel operator.

**MONITORING REQUIRED**

34. No work shall be conducted until the permittee has received the final order of variance (Variance No. 0264288-002-EV).

35. **Water Quality** - Turbidity - Nephelometric Turbidity Units (NTUs)

**FREQUENCY:** Turbidity sampling and analysis shall be performed three times a day (at least 4 hours apart), with at least 2 discrete samples collected each time and at each site, during all dredging or filling operations.

**TIDAL INFLUENCE:** Compliance Samples shall be compared to Background Samples that have been collected at sites where the tidal flow is moving in the same direction (in-coming or out-going) at both sites, such that turbidity levels at the background sites are indicative of what turbidity levels should be at the compliance sites in the absence of the project. Therefore sampling times and locations shall be established accordingly.

**BACKGROUND:** The samples shall be collected at mid-depth, outside the influence of any artificially generated turbidity plume.

**Dredge Site:** at least 150 meters, but no more than 500 meters, upcurrent from the point of excavation.

**Beach Site:** at least 150 meters, but no more than 1,500 meters, upcurrent from the point where return water from the pipeline outfall reenters the Atlantic Ocean at the beach placement site, and the same distance offshore as the concurrent compliance sample.

**COMPLIANCE:** The samples shall be collected at mid-depth, in the densest portion of any visible turbidity plume generated by this project.

**Dredge Site:** no more than 3,000 meters downcurrent from the intake of the suction hydraulic pipeline dredge.

**Beach Site:** no more than 2,000 meters from the point where return water from the pipeline outfall reenters the Atlantic Ocean, following the path of

**Joint Coastal Permit  
Nassau County Beach Restoration  
Permit No. 0264288-001-JC  
Page 16 of 21**

the turbidity plume and measured in the center of the plume. If no distinct plume is visible, the sample shall be collected 2,000 meters downcurrent and 150 meters offshore.

Distances will be reduced from the maximum allowable if necessary to take into account visually identifiable impacts and variability of the naturally occurring inlet plume.

**INTERMEDIATE:** Turbidity shall also be monitored within the expanded mixing zones at both the dredge and beach sites in order to understand the attenuation characteristics of the turbidity plume. This will provide data that shall be used to establish the mixing zone parameters for future projects.

The samples shall be collected at mid-depth, in the densest portion of any visible turbidity plume generated by this project, at approximately 150 meters, 500 meters, 1,000 meters, and 1,500 meters downcurrent from the source (at the dredge site and at the beach placement site). Intermediate sample locations may be modified during construction with the concurrence of the Department.

The compliance locations given above shall be considered the limits of the temporary mixing zones for turbidity, which have been established through Variance No. 0264288-002-EV, and have been approved for the initial construction of this project. This variance has also established a maximum allowable turbidity level of 22 NTUs above background for work within Ft. Clinch Aquatic Preserve (OFW) during the initial construction of this project. If monitoring reveals turbidity levels at the compliance sites are greater than 22 NTUs above the associated background turbidity levels within Ft. Clinch Aquatic Preserve, or 29 NTUs above the associated background turbidity levels outside of Ft. Clinch Aquatic Preserve, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrences shall also be reported to DEP BBCS in Tallahassee at (850) 414-7716 (attn: JCP Compliance Officer) and the DEP Northeast District Office at (904) 807-3300 within 24 hours of the time the violation is first detected.

All monitoring data, shall be submitted within two weeks of analysis with documents containing the following information: (1) "Permit Number 0264288-001-JC"; (2) "Nassau County Beach Restoration"; (3) date of sampling and analysis; (4) a statement describing the methods used in collection, handling, storage, and analysis of the samples; (5) a map indicating the sampling locations and the Ft. Clinch Aquatic Preserve boundary, and; (6) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, and accuracy of the data. Monitoring reports shall also include the following information for each sample that is taken:

1. water temperature



**Joint Coastal Permit  
Nassau County Beach Restoration  
Permit No. 0264288-001-JC  
Page 17 of 21**

2. time of day sample taken
3. depth of water body
4. depth of sample
5. antecedent weather conditions
6. tidal stage and direction of flow
7. wind direction and velocity

Monitoring reports shall be submitted to the BBCS, JCP Compliance Officer, in Tallahassee and to the DEP Northeast District Office, Submerged Lands & Environmental Resources, in Jacksonville. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the DEP, please clearly include, at the top of each page or as a cover page to the submittal: **"This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0264288-001-JC for the Nassau County Beach Restoration project."**

36. In order to evaluate the need for water quality variances for future maintenance of the project, the Permittee shall summarize and present all turbidity monitoring data acquired during the initial construction period. Within 120 days following completion of this beach restoration event, the permittee (preferably with the help of the Corps-ERDC) shall submit a Turbidity Performance Report, including all raw data, statistical analyses of turbidity levels at all locations, comparisons of levels found at intermediate and compliance sites with the corresponding background levels, and recommendations for mixing zone sizes and turbidity levels that would need approval in future beach nourishment projects at this site.

**PHYSICAL MONITORING REQUIRED:**

37. Pursuant to 62B-41.005(16), F.A.C., physical monitoring of the project is required through acquisition of project-specific data to include, at a minimum, topographic and bathymetric surveys of the beach, offshore, and borrow site areas, aerial photography, and engineering analysis. The monitoring data is necessary in order for both the project sponsor and the Department to regularly observe and assess, with quantitative measurements, the performance of the project, any adverse effects which have occurred, and the need for any adjustments, modifications, or mitigative response to the project. The scientific monitoring process also provides the project sponsor and the Department information necessary to plan, design, and optimize subsequent follow-up projects, potentially reducing the need for and costs of unnecessary work, as well as potentially reducing any environmental impacts that may have occurred or that may be expected.

**At least 60 days prior to the commencement of construction, the permittee shall submit a detailed Monitoring Plan subject to review and approval by the Department.** The Monitoring Plan shall indicate the project's predicted design life.

The approved Monitoring Plan can be revised at any later time by written request of the permittee and with the written approval of the Department. If subsequent to approval of the Monitoring Plan there is a request for modification of the permit, the Department may require revised or additional monitoring requirements as a condition of approval of the permit modification.

As guidance for obtaining Department approval, the Physical Monitoring Plan shall generally contain the following items:

- a. Topographic and bathymetric profile surveys of the beach and offshore shall be conducted within 90 days prior to commencement of construction, and within 90 days following completion of construction of the project. Thereafter, monitoring surveys shall be conducted annually for a period of three (3) years, then biennially until the next beach nourishment event (which will require a separate permit) or the expiration of the project design life, whichever occurs first. The monitoring surveys shall be conducted during a spring or summer month and repeated as close as practicable during that same month of the year. If the time period between the immediate post-construction survey and the first annual monitoring survey is less than six months, then the permittee may request a postponement of the first monitoring survey until the following spring/summer. A prior design survey of the beach and offshore may be submitted for the pre-construction survey if consistent with the other requirements of this condition. An additional survey shall be obtained following any major storm impact that significantly affects the project as determined by the Department in consultation with the project engineer.

The monitoring area shall include profile surveys at each of the Department of Environmental Protection's DNR reference monuments within the bounds of the beach fill area and along at least 5,000 feet of the adjacent shoreline on both sides of the beach fill area. For those project areas that contain erosion control structures, such as groins or breakwaters, additional profile lines shall be surveyed at a sufficient number of intermediate locations to accurately identify patterns of erosion and accretion within this subarea. All work activities and deliverables shall be conducted in accordance with the latest update of the Bureau of Beaches and Coastal Systems (BBCS) *Monitoring Standards for Beach Erosion Control Projects, Sections 01000 and 01100*.

- b. Bathymetric surveys of the borrow area(s) shall be conducted within 90 days prior to commencement of construction, and within 60 days following completion of construction of the project concurrently with the beach and offshore surveys required above. Thereafter, monitoring surveys of the borrow areas shall be dependent on their location. Borrow sites located in tidal inlet shoals or in nearshore waters above the depth of closure for littoral transport processes shall be at two (2) year intervals concurrently with the beach and offshore surveys

required above. These biennial monitoring surveys are not required for borrow sites located below the depth of closure for littoral transport processes. A prior design survey of the borrow area may be submitted for the pre-construction survey if consistent with the other requirements of this condition.

Survey grid lines across the borrow area(s) shall be spaced to provide sufficient detail for accurate volumetric calculations but spaced not more than a maximum of 500 feet apart, and shall extend a minimum of 500 feet beyond the boundaries of the borrow site. For borrow sites located in tidal inlet shoals, bathymetric surveys of the entire shoal complex, including any attachment bars, shall be conducted unless otherwise specified by the Department based upon the size of the shoal and the potential effects of the dredging on inlet processes. In all other aspects, work activities and deliverables shall be consistent with the *BBCS Monitoring Standards for Beach Erosion Control Projects, Section 01200*.

- c. Aerial photography of the beach shall be taken concurrently with the post-construction survey and each annual and biennial monitoring survey required above, as close to the date of the beach profile surveys as possible. The limits of the photography shall include the surveyed monitoring area as described above. All work activities and deliverables shall be conducted in accordance with the latest update of the *BBCS Monitoring Standards for Beach Erosion Control Projects, Section 02000 – Aerial Photography Acquisition*. (Note: If nearshore hardbottom is present within the project area, then aerial photography shall be conducted in accordance with the latest update of the *BBCS Monitoring Standards for Beach Erosion Control Projects, Section 02100 – Environmental Aerial Photography Acquisition*.)
- d. The permittee shall submit an engineering report and the monitoring data to the BBCS within 90 days following completion of the post-construction survey and each annual or biennial monitoring survey.

The report shall summarize and discuss the data, the performance of the beach fill project, and identify erosion and accretion patterns within the monitored area. In addition, the report shall include a comparative review of project performance to performance expectations and identification of adverse impacts attributable to the project.

Appendices shall include plots of survey profiles and graphical representations of volumetric and shoreline position changes for the monitoring area. Results shall be analyzed for patterns, trends, or changes between annual surveys and cumulatively since project construction.

**Joint Coastal Permit  
Nassau County Beach Restoration  
Permit No. 0264288-001-JC  
Page 20 of 21**

- e. Monitoring reports and data shall be submitted to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer) in Tallahassee. Failure to submit reports and data in a timely manner constitutes grounds for revocation of the permit. When submitting any monitoring information to the Bureau, please include a transmittal cover letter clearly labeled with the following at the top of each page: **"This monitoring information is submitted in accordance with Item No. [XX] of the approved Monitoring Plan for Permit No. 0264288-001-JC for the monitoring period [XX]."**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

A handwritten signature in blue ink, appearing to read "Michael R. Barnett", is written over a horizontal line.

Michael R. Barnett, P.E., Chief  
Bureau of Beaches and Coastal Systems

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Deputy Clerk

09/06/07

Date



Prepared by \_\_\_\_\_.

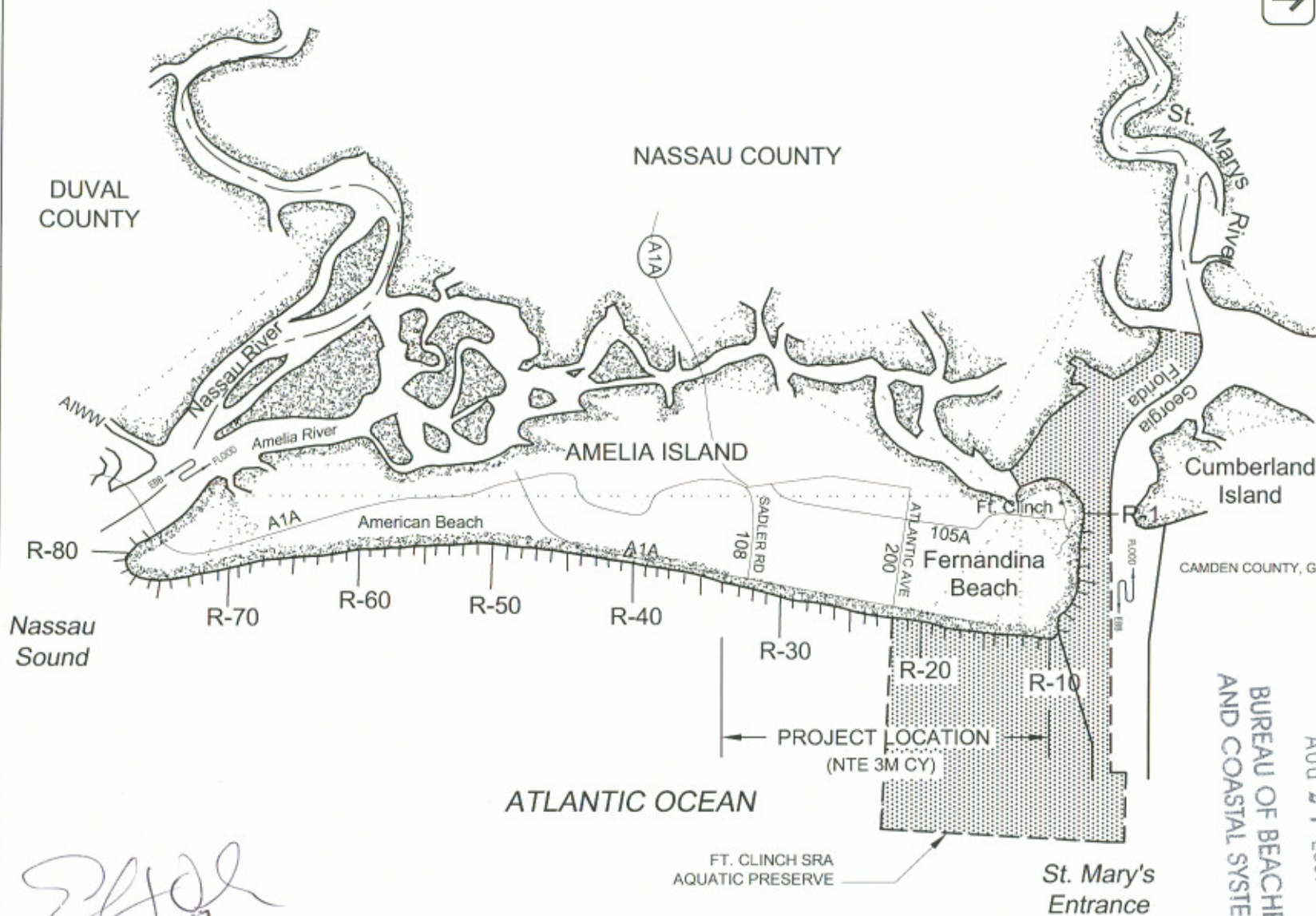
31 pages attached.

RECEIVED

AUG 27 2007

BUREAU OF BEACHES  
AND COASTAL SYSTEMS

FEDERAL PROJECT  
LOCAL SPONSOR  
CITY OF  
FERNANDINA BEACH



LIMITS OF FILL

NORTH LAT. 30° 41' 45"  
LONG. 81° 25' 41"  
SOUTH LAT. 30° 38' 06"  
LONG. 81° 26' 17"

NASSAU COUNTY, FL.

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S 09,12,13,20

8-24-07  
SCALE - MILES  
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R - FDEP CCCL MONUMENTATION

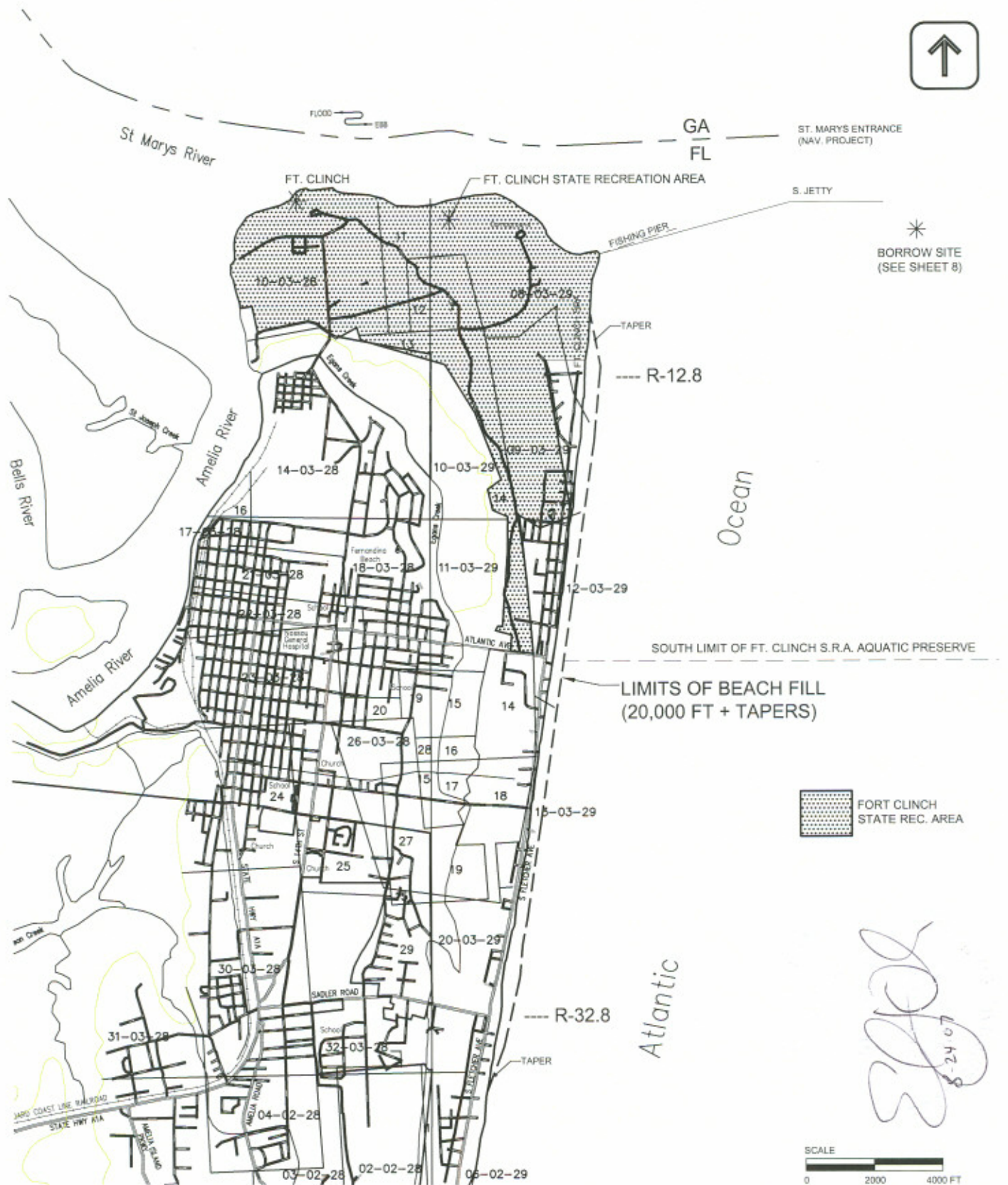
**olsen**  
associates, inc.  
4438 Herschel Street  
Jacksonville, FL 32210  
(904) 387-6114  
(Fax) 384-7368  
COA No. 00003491

NASSAU COUNTY, FL  
SHORE PROTECTION PROJECT  
LOCATION MAP

DATE: OCT 2006  
APPROVED: ELO  
REVISION: 1  
DATE: MARCH 2006  
DRAWN BY: ML

SHEET  
1 of 10





NOT FOR PURPOSES OF CONSTRUCTION

APPLICANT:  
CITY OF FERNANDINA BEACH



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COA No. 00003491

NASSAU COUNTY, FL  
SHORE PROTECTION PROJECT

PROJECT LIMITS

DATE:	APPROVED	REVISION	DATE:
OCT 2006	EJO	1	MARCH 2006
			DRAWN BY:
			ML
			SHEET
			2 of 10

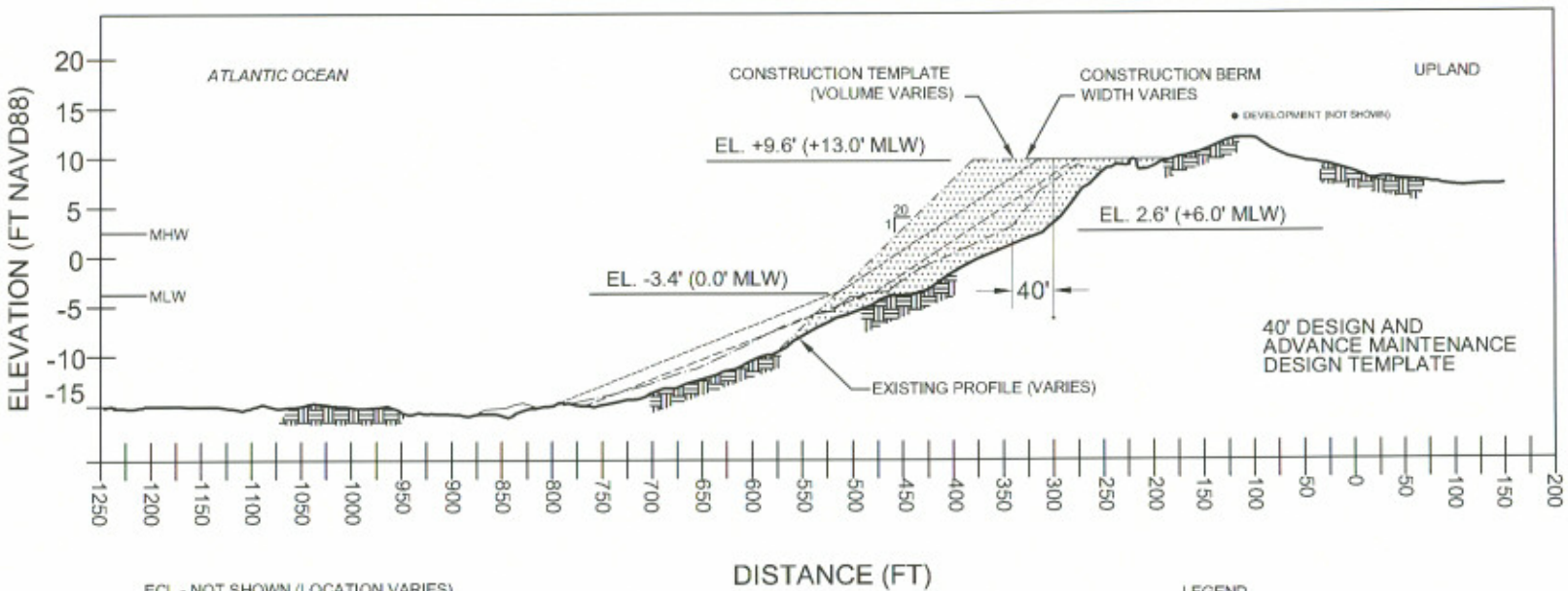


REF: G.R.R. (USACOE)

NOT FOR PURPOSES OF CONSTRUCTION

NASSAU COUNTY, FL  
SHORE PROTECTION PROJECT  
TYPICAL BEACH FILL DESIGN TEMPLATE

DATE:	APPROVED	REVISION	DATE:
OCT 2006	EJO	1	MARCH 2006
APRIL 2007	EJO	2	
			DRAWN BY:
			ML
			SHEET
			3 of 10



ECL - NOT SHOWN (LOCATION VARIES)  
REVTMENT - NOT SHOWN (LOCATION VARIES)

NOTES:

- 1) FILL DENSITY (CY/FT) WILL VARY DEPENDING UPON SITE CONDITIONS AT THE TIME OF CONSTRUCTION.
- 2) TOTAL FILL VOLUME - N.T.E. 3Mcy (IN-PLACE)
- 3) TEMPLATE EXTENDS FROM APPROX. R-12.8 TO R-32.8.
- 4) TAPERS FROM TEMPLATE TO BE CONSTRUCTED AT NORTH AND SOUTH END OF PROJECT FILL.
- 5) BERM WIDTHS AND FILL SLOPES WILL VARY.

8-24-07

PERMIT # 264288001





FT. CLINCH STATE  
RECREATION AREA

P.L.

MATCHLINE



PHOTO DATE: 12-2005

*Signature*  
8-24-07

- EROSION CONTROL LINE (ECL)
- CONSTRUCTION BERM
- EQUILIBRATED BERM

NOTE: FINAL PROJECT DIMENSIONS TO BE  
DETERMINED BY SITE CONDITIONS AT  
TIME OF CONSTRUCTION.

NOT FOR PURPOSES OF CONSTRUCTION



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COA No. 00003491

NASSAU COUNTY, FL  
SHORE PROTECTION PROJECT

LIMITS OF BEACH FILL

DATE:	APPROVED	REVISION	DATE:
OCT 2006	EJO	1	MARCH 2006
			DRAWN BY:
			ML
			SHEET
			4 of 10





MATCHLINE —



PHOTO DATE: 12-2005

ATL. AVE

MATCHLINE —



- EROSION CONTROL LINE (ECL)
- CONSTRUCTION BERM
- EQUILIBRATED BERM

NOTE: FINAL PROJECT DIMENSIONS TO BE DETERMINED BY SITE CONDITIONS AT TIME OF CONSTRUCTION.

*[Handwritten signature]*  
8-24-07

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NASSAU COUNTY, FL  
SHORE PROTECTION PROJECT

LIMITS OF BEACH FILL

DATE:	APPROVED	REVISION	DATE:
OCT 2006	EJO	1	MARCH 2006
			DRAWN BY:
			ML
			SHEET
			5 of 10





MATCHLINE —



PHOTO DATE: 12-2005

*Handwritten signature and date 8-24-07*

EROSION CONTROL LINE (ECL)  
CONSTRUCTION BERM  
EQUILIBRATED BERM

NOTE: FINAL PROJECT DIMENSIONS TO BE DETERMINED BY SITE CONDITIONS AT TIME OF CONSTRUCTION.

MATCHLINE —

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SHORE PROTECTION PROJECT

LIMITS OF BEACH FILL

DATE:	APPROVED	REVISION	DATE:
OCT 2006	EJO	1	MARCH 2006
			DRAWN BY:
			ML
			SHEET
			6 of 10





MATCHLINE —

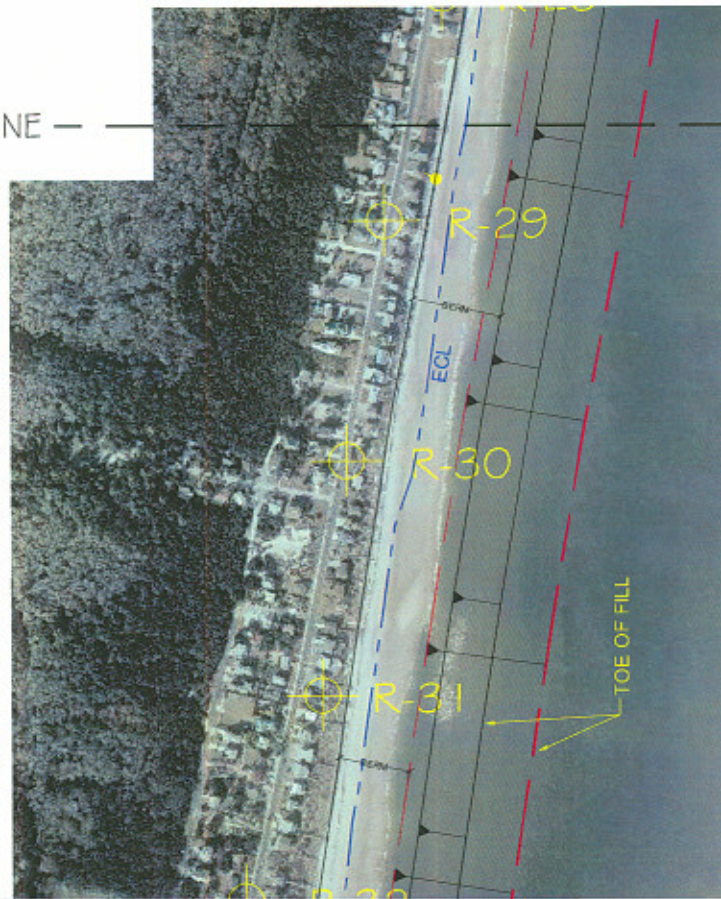


PHOTO DATE: 12-2005

SADLER RD.



BEACH FILL  
(S. LIMIT)

— EROSION CONTROL LINE (ECL)  
— CONSTRUCTION BERM  
— EQUILIBRATED BERM

NOTE: FINAL PROJECT DIMENSIONS TO BE  
DETERMINED BY SITE CONDITIONS AT  
TIME OF CONSTRUCTION.

*[Signature]*  
8-24-07

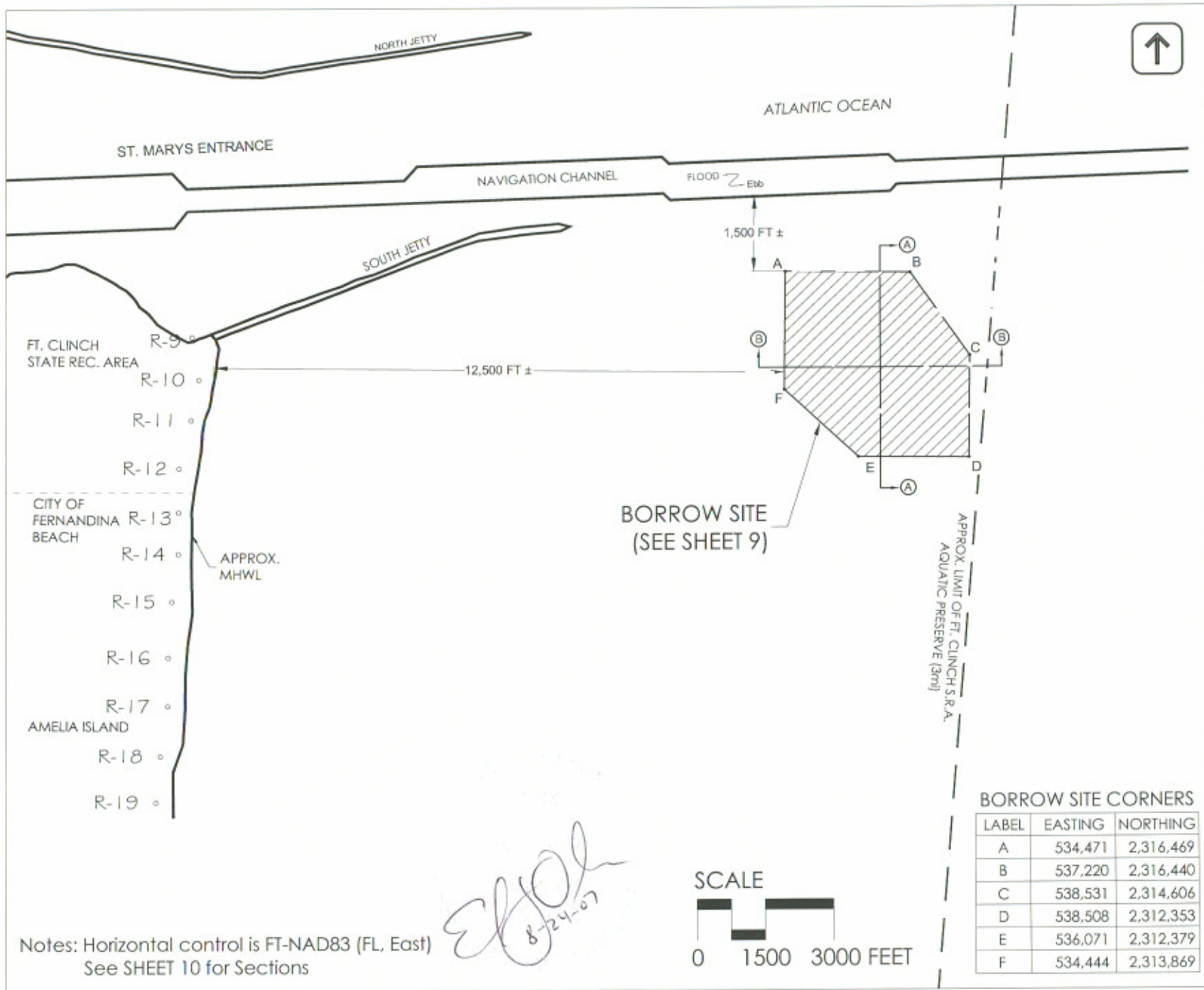
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NASSAU COUNTY, FL  
SHORE PROTECTION PROJECT  
LIMITS OF BEACH FILL

DATE:	APPROVED	REVISION	DATE:
OCT 2006	EJO	1	MARCH 2006
			DRAWN BY: ML
			SHEET 7 of 10



NOT FOR PURPOSES OF CONSTRUCTION



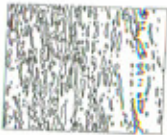
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(Fax) 384-7368  
COA No. 00003491

**NASSAU COUNTY, FL**  
**SHORE PROTECTION PROJECT**  
**BORROW AREA LOCATION**

DATE: 6 Nov 06  
APPROVED: EJO  
REVISION: 1  
DATE: OCT 2006

DRAWN BY: ML  
SHEET 8 of 10

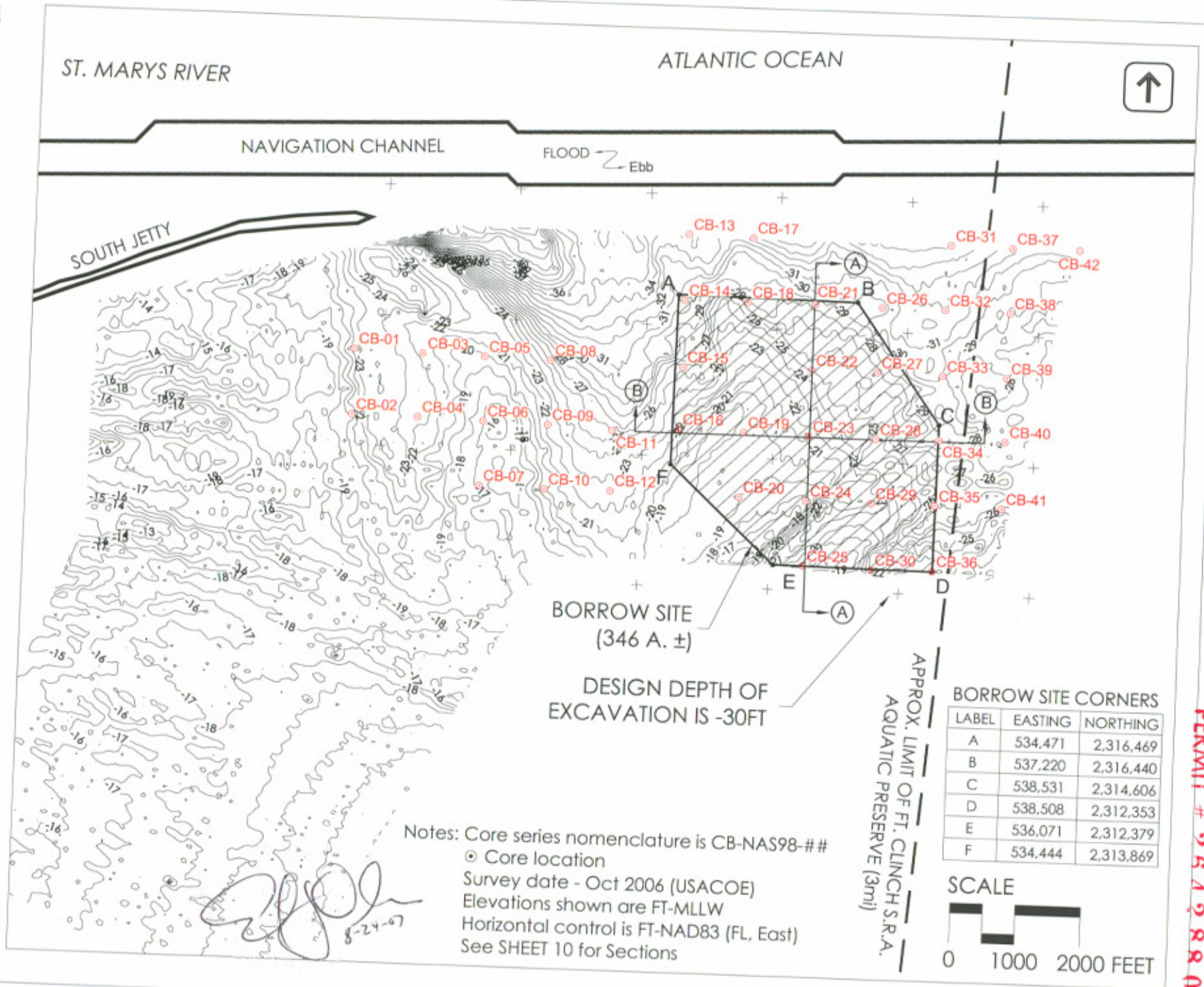




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COA No. 00003491

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NASSAU COUNTY, FL  
SHORE PROTECTION PROJECT  
BORROW AREA / CORES



**olsen**

NASSAU COUNTY, FL

DATE: 6Nov06 APPROVED: EJO REVISION: 1 DATE: OCT 2006

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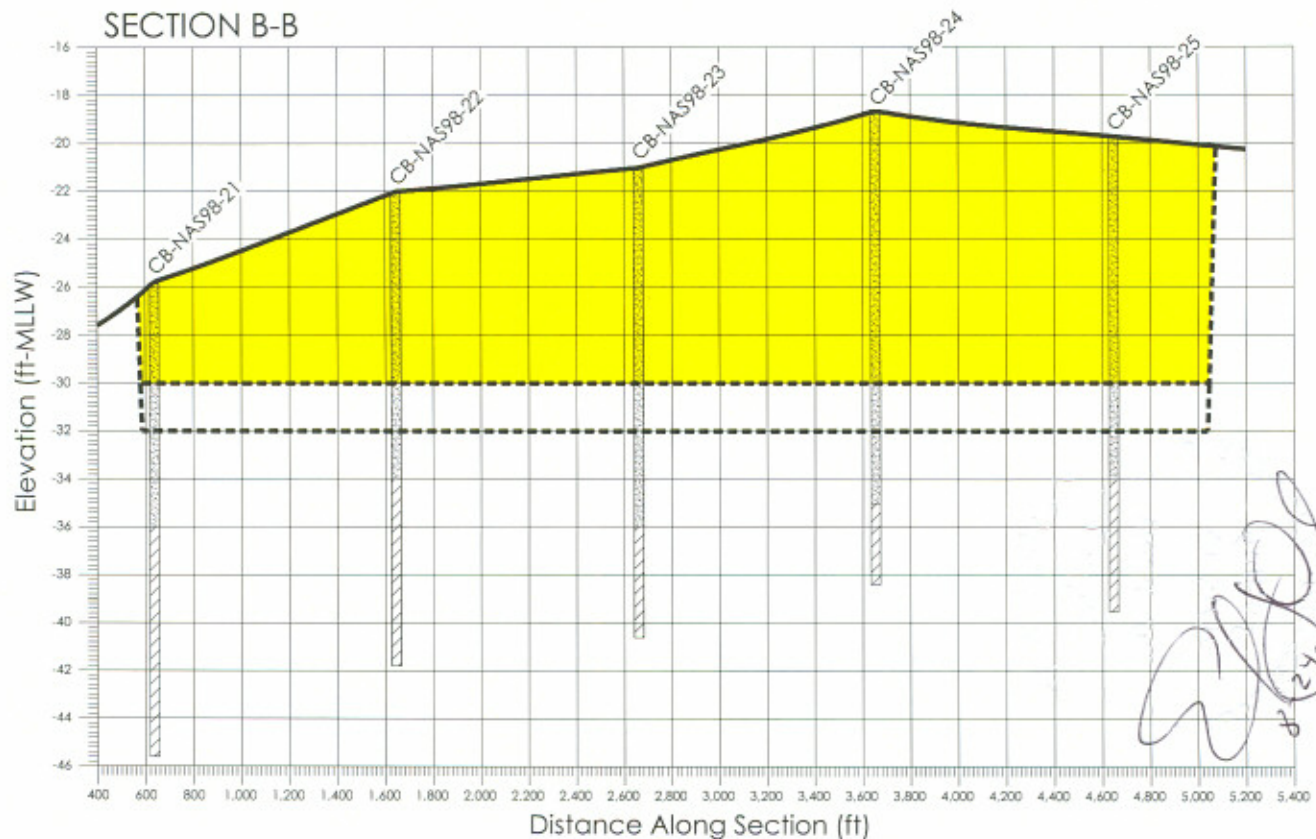
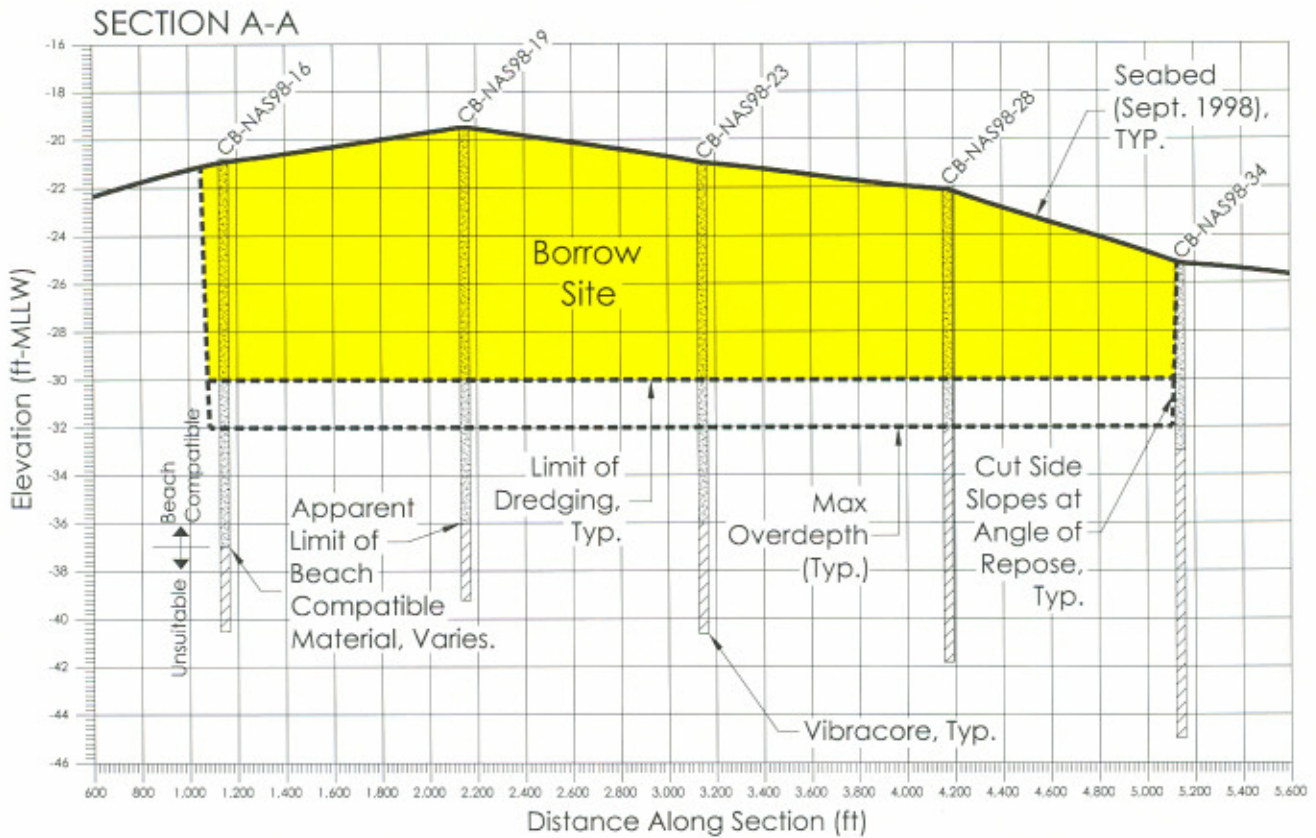
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DATE:

OCT 2006

6Nov06





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See SHEET 9 for Section Locations



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NASSAU COUNTY, FL  
SHORE PROTECTION PROJECT

BORROW SITE SECTIONS

DATE:	APPROVED	REVISION	DATE:
			Oct 2006
			DRAWN BY: WAH
			SHEET 10 of 10



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

In the matter of a  
Petition for Variance by:

City of Fernandina Beach  
204 Ash Street  
Fernandina Beach, Florida  
32034

Variance No. 0264288-002-EV  
Date of Issue: September 6, 2007  
Expiration Date: September 6, 2012  
County: Nassau  
Project: Nassau County Beach Restoration

---

## FINAL ORDER BY THE DEPARTMENT:

On September 5, 2006, the Department received from the City of Fernandina Beach a Petition for Variance, pursuant to Section 403.201(1), Florida Statutes (F.S.), and Section 62-110.104, Florida Administrative Code (F.A.C.). The Petitioner initially requested relief from Rule 62-4.244(5)(c), F.A.C., to establish a temporary mixing zone greater than 150 meters within an area of Class III Waters of the Atlantic Ocean. The Petitioner was later revised to include relief from the Antidegradation requirements in Rules 62-4.242(2)(a)2.b., 62-4.244(1)(a), and 62-302.700(1), F.A.C., to allow turbidity to exceed ambient levels (up to 22 NTUs) within Outstanding Florida waters, but outside of the approved mixing zone.

Permit No. 0264288-001-JC requires that the grantee shall not exceed 22 Nephelometric Turbidity Units (NTUs) above background at the edge of the expanded mixing zone for work within Ft. Clinch Aquatic Preserve (OFW). The expanded mixing zones measure no more than 3,000 meters downcurrent from the intake of the suction hydraulic pipeline dredge (at the dredge site) and no more than 2,000 meters from the point where return water from the pipeline outfall reenters the Atlantic Ocean (at the beach disposal site). This temporary variance shall only be valid during the construction activities authorized in Permit No. 0264288-001-JC and shall expire on September 6, 2012.

The associated joint coastal permit (Permit No. 0264288-001-JC) authorizes construction of a beach restoration project along 4.3 miles of shoreline, between monuments R-11 and R-34, utilizing approximately 3 million cubic yards of beach quality material from an offshore borrow area.

After reviewing the Petition for Variance, the Department staff concluded that it satisfied the requirements and criteria set forth in Section 403.201, F.S., and Rule 62-110, F.A.C.



The *Consolidated Notice of Intent to Issue Joint Coastal Permit and Authorization to Use Sovereign Submerged Lands* notified the Petitioner of the Department's proposed agency action and advised it of its right to a hearing pursuant to Sections 120.569 and 120.57, F.S. On March 28, 2007, notice was given in the News Leader (Fernandina Beach) and on March 22, 2007, notice was given on the Department's web page informing the public of the Department's intended action and offering an opportunity for hearing pursuant to Sections 120.569 and 120.57, F.S. A copy of the notice is attached as Exhibit A.

The Petitioner and interested parties having been advised of their rights under Chapter 120, F.S., and having failed or declined to file a Petition pursuant to Sections 120.569 and 120.57, F.S., are hereby deemed to have waived those rights. Acceptance of the variance constitutes notice and agreement that the Department will periodically review this variance for compliance, including site inspections where applicable, and may initiate enforcement action for violation of the conditions and requirements thereof. It is therefore:

ORDERED by the State of Florida, Department of Environmental Protection, that the Petition of the City of Fernandina Beach requesting a variance be and is hereby granted, subject to the conditions specified by Department staff in Permit No. 0264288-001-JC.

Any Party to this Order has the right to seek judicial review of the Order Pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of the Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this **6th** day of **September, 2007**, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

A handwritten signature in blue ink, appearing to read "Michael R. Barnett", is written over a horizontal line.

Michael R. Barnett, P.E., Chief  
Bureau of Beaches and Coastal Systems

Attachment A: Notice of Intent to Grant Variance

Copies furnished to:

Jennifer Gooding, City of Fernandina Beach  
Michael Hollingsworth, USACE, Jacksonville  
Jim Maher (E.A.), DEP, NE District Office  
Betsy Hewitt, DEP, OGC  
Mark Latch, Florida Park Service  
Jackie Larson, BBCS  
Guy Weeks, BBCS  
Robert Brantly, BBCS  
Ralph Clark, BBCS  
Jennifer Koch, BBCS  
Paden Woodruff, BBCS  
Roxane Dow, BBCS  
Fritz Wettstein, BBCS, CCCL  
David Kriger, BBCS, CCCL  
Trey Hatch, BBCS Field inspector  
Mark Leadon  
Robbin Trindell, FWC, ISMS  
Dr. Terry Doonan, FWC  
Nicole Robinson, Ft. Clinch Aquatic Preserve  
Ann Marie Lauritsen, USFWS  
Mr. John Milio, USFWS-Jax

FILING AND ACKNOWLEDGMENT


FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated  
Department Clerk, receipt of which is hereby acknowledged.



09/06/07

Deputy Clerk

Date



Prepared by: \_\_\_\_\_